

Notice of Allowability

Application No.

09/914,907

Examiner

Shirley Chang

Applicant(s)

ZIMMERMAN, DENNIS A

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/13/2005.
2. ☒ The allowed claim(s) is/are 1, 2, 4, 5, 7, 8 (renumbered as 1-6).
3. ☒ The drawings filed on 05 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance:

1. Claims 1, 2, 4, 5, 7, and 8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 2, 4, 5, 7, and 8 (renumbered 1-6 respectively), the prior art, alone or in combination, does not teach or fairly suggest providing "an activation encoder and activation transmitter in said receiver, and providing an activation receiver and an activation decoder in said transmitter, such that when it is desired to test said cable system, said receiver may signal said transmitter and said transmitter may activate said receiver and then radiate said signal of a desired frequency."

The most applicable art of record, the Bell, Jr. (4,127,917) and Carnahan et al. (4,654,661) references do not constitute 'prior' art. However, the following is noted. The Bell, Jr. reference discloses that "transmitters are normally battery powered and can be remotely activated so that they remain dormant most of the time and are activated only when an operator wishes" (column 1, lines 21-26). However, the receiver is not specifically mentioned as being activated by the receiver. The Carnahan et al. reference teaches a "transmitter operation prevented until a specific sequence of events takes place" (column 3 lines 1-2) to prevent the transmitter from "inadvertently broadcast" (column 2, lines 45-48). Once again however, the receiver is not mentioned in activating the transmitter.

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Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Other prior art cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Pohio et al. (4,127,917) is directed towards an apparatus for inhibiting transmissions from a remotely operated sensor system.
- b. Carnahan et al. (4,654,661)
- c. Kay (6,166,760) is directed towards an ingress noise-measuring device for each subscriber's terminal in a data communication network using a cable television (CATV) network.
- d. Reichert (4,520,508) is directed towards a cable television subscriber home terminal transmitting information along a cable to a central station at one of a series of predetermined return frequencies.
- e. Zimmerman (5,777,662) is directed towards an RF ingress/egress management system comprising of: a headend monitoring receiver, a mobile transceiver global positioning satellite (GPS) system, and a computer software system
- f. Stokes (3,619,782) is directed towards a community antenna television system wherein one or more microwave transmission links are used between the CATV receiving unit and the user's receivers.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600